IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.6142 OF 2006

M/s.Jai Precision Products Pvt.Ltd. ..Petitioner.

V/s.

Union ofIndia & Ors. ..Respondents.

Mr.Prakash Shah with V.Sridharan for petitioner.

Mr.A.S.Rao i/b. H.P.Chaturvedi for respondents.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 4TH OCTOBER, 2006.

P.C. :-

Heard Mr.Shah for the petitioners. Mr.Rao appears for the respondents. Rule, returnable forthwith.

2. Heard finally by consent of the parties.

3. The respondent No.3 Assistant Commissioner of Exports, EPCG section had passed an order encashing the bank guarantee given by the petitioners on the ground that the petitioners had not fulfilled the export obligation as expected from the petitioners. The case of the petitioners is that the view taken by the Assistant Commissioner of Customs was not correct and, therefore, they carried the matter in appeal before the Commissioner of Customs (A). The Commissioner of Customs has accepted the submission of

the petitioners and has allowed the appeal by an order dated 28th July, 2006. He set aside the order of encashing the bank guarantee. The only thing required from the petitioners was that they should produce a certificate of installation of the machinery. Mr.Shah points out that the certificate has been given by the Assistant Commissioner, Central Excise, Malad Division on 28th June, 2006. His grievance is that though his order has been passed on 28th July, 2006, no follow up steps has been taken by the Revenue and, therefore, this petition has been filed.

4. Mr.Rao, learned counsel for the respondents states that necessary steps will be taken at the earliest. We direct the authorities to take decision within 2 weeks from today.

5. The amount recovered from respondent No.4 Bank of Baroda will be returned to it so that the bank guarantee given by the petitioner is renewed and petitioners will keep it alive till 28/12/2011 as agreed by them earlier. Mr.Shah does not press for any amount of interest or costs.

6. Petition is allowed. Rule made absolute in terms of above order.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)